THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 12122 of 2006

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Oral order:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-AP TRANSCO.

The petitioners claim to be working as Contract Labours with the respondents-AP TRANSCO. It is their grievance that they having put in more than ten years of service, and they having been interviewed for regular appointment as Junior Linemen on 03.02.1999, are entitled to be appointed to the said posts in terms of BP Ms. No. 36, dated 18.05.1997, and the action of the respondents in not appointment them as Junior Linemen in pursuance of the interviews held on 03.02.l999, is illegal and arbitrary.

The respondents filed counter *inter alia* stating that all the 50% vacancies earmarked under BP Ms. No. 36, dated 18.05.1997, have been filled up by eligible ex-Casual Labours and Village Electricity Workers. It is further contended that as per the scheme of BP Ms. No. 36, dated 18.05.1999, only 50% of the vacancies existing as on 18.05.1997 were to be filled up under one time settlement, and they already having been filled up, no further vacancies can be earmarked in terms thereof.

Refuting the contention of the petitioners that the petitioners despite being interviewed, were not appointed, the learned Standing Counsel for the respondents-AP TRANSCO, produced a copy of the letter dated 26.06.2006, addressed by the

2nd respondent, namely the Superintending Engineer to the

1st petitioner, and submitted that the petitioners failed in the interview, and that the service certificates produced by them were not in consonance with the Memo dated 03.12.1999 of the respondents. He thus submitted that the petitioners having failed in the interview and the 50% of the vacancies earmarked under BP Ms. No.36, dated 18.05.1999, having already been filled up by other eligible candidates, no direction as prayed for by the petitioners can be granted and prayed that the writ petition be dismissed.

Inasmuch as disputed questions of fact are involved in the writ

petition, namely whether the service certificates produced by the petitioners are genuine and whether they are in consonance with the Memo dated 03.12.1999, issued by the respondents, whether still vacancies existing under the 50% quota earmarked for contract labours, and whether the petitioners are entitled to be appointed in terms of BP Ms. No. 36, dated 18.05.1999, and having regard to the fact that the respondents rejected the case of the petitioners for appointment on the ground that the service certificates produced by them are not in consonance with the Memo dated 03.12.1999, it is not proper for this Court to direct the respondents to appoint the petitioners. The remedy of the petitioners, if any, is to approach the Labour Court and raise an industrial dispute and establish their case for appointment as Junior Linemen in terms of BP Ms. No. 36, dated 18.05.1999.

With the observations, as above, the writ petition is dismissed. No costs.

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N.V. RAMANA, J.

Date: 3rd July, 2006.
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